

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TRIDENT SEAFOODS CORPORATION,
a Washington corporation,

Plaintiff,

vs.

MISS BRENDA, O.N. 634181, its Engines,
Machinery, Appurtenances, etc.,
In Rem,

and

JACK BERNTSEN individually and MISS
BRENDA, LLC an Alaska limited liability
company, *In Personam*,

Defendants.

IN ADMIRALTY

Case No. 3:25-cv-05145

**ORDER APPOINTING
SUBSTITUTE CUSTODIAN
AND FOR PERMISSION TO
ALLOW BOARDING,
INSPECTION**

Plaintiff TRIDENT SEAFOODS CORPORATION (“Trident”), by and through
its attorneys, Holmes Weddle & Barcott, P.C., having appeared, now makes the following
recitals:

1. On February 26, 2025, an Amended Verified Complaint, Dkt. 10, was
filed herein praying that the *in rem* Defendant vessel MISS BRENDA, O.N. 634181, its
engines, machinery, and appurtenances, etc. (the “Vessel”), be arrested and sold to pay
Plaintiff’s claims and for other proper relief.

2. In the immediate future, the Clerk of this Court is expected to issue
warrants for arrest of the Vessel, commanding the United States Marshal for this District

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1. to arrest and take into custody the Vessel and to detain the same in its custody until further
2. order of this Court respecting same.

3. 3. It is contemplated that the United States Marshal will seize the Vessel
4. forthwith. Custody by the United States Marshal requires the services of one or more
5. keepers at charges in excess of those to be made by the substitute custodian alone, not
6. including charges for moorage and the other services usually associated with safekeeping
7. vessels similar to the defendant Vessel.

8. 4. The Vessel is currently moored in Washington waters in this District.
9. Plaintiff is agreeable to allow Vessel Management Company LLC (“VMC”) to assume the
10. responsibility of safekeeping the Vessel, and VMC has consented to act as their custodian
11. until further order of this Court.

12. 5. VMC, by Certification submitted herewith and made a part hereof, avers
13. that VMC can provide routine services required for the safekeeping and maintenance of
14. the Vessel for a charge of \$1,500 plus travel days at \$750/day and actual costs for the
15. initial arrest, securing and making inventory of the Vessel, communicating with the
16. moorage facility, coordinating movement, inspection, survey, repairs, or maintenance of
17. the Vessel. While under arrest, VMC will charge a daily fee of \$85 and an annual charge
18. of \$1,000 to cover custodial insurance. Any additional unexpected time spent by VMC in
19. connection with protecting, movement or safekeeping of the Vessel shall be charged at a
20. rate of \$225/hour per person and any expenses incurred in connection with the custody of
21. the Vessel shall be charged at cost to Plaintiff. VMC is beneficiary on liability insurance
22. through Great American Insurance Company (Policy No. OMH3484469-09) in the
23. amount of \$2,000,000, which names the U.S. Marshal as an additional insured. Further, in

1. the Certification of the substitute custodian, the proposed substitute custodian accepts, in
2. accordance with the terms of this order, possession of the defendant Vessel, its engines,
3. machinery, and appurtenances, etc., which are the subject of the action herein.

4. 6. In consideration of the United States Marshal's consent to the appointment
5. of VMC as substitute custodian, Plaintiff agrees to release the United States and the
6. United States Marshal from any and all liability and responsibility arising out of care and
7. custody of the Vessel, from the time the United States Marshal transfers possession of the
8. Vessel over to said substitute custodian, and Plaintiff further agrees to hold harmless and
9. indemnify the United States and the United States Marshal from any and all claims
10. whatsoever arising out of the substitute custodian's possession and safekeeping.

11. THEREFORE, IT IS ORDERED that the United States Marshal for the Western
12. District of Washington is authorized, upon seizure of the Vessel, pursuant to Warrant for
13. Arrest, to surrender the possession thereof to Vessel Management Company LLC as
14. substitute custodian named herein, and that upon such surrender the United States Marshal
15. shall be discharged from the duties and responsibilities for the safekeeping of the Vessel
16. and held harmless from any and all claims arising whatever out of said custodial services.

17. IT IS FURTHER ORDERED that VMC is appointed custodian of the Vessel and
18. shall retain the Vessel in its custody for possession and safekeeping until further order of
19. this Court.

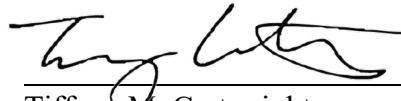
20. IT IS FURTHER ORDERED that the substitute custodian may permit boarding
21. and inspection and movement of the Vessel within the District in order to protect and
22. preserve the Vessel, to determine the Vessel's condition and value, and to reduce costs
23. and risk. All costs of such boarding, movement, and inspections shall be paid by Plaintiff

1. and may be deemed administrative costs herein. All persons entering on board the Vessel
2. shall execute a waiver and release in the form attached hereto.

3. IT IS FURTHER ORDERED that Plaintiff's attorney or Marshal serve a copy of
4. this Order on the owners of the Vessel at the time of arrest or as soon as practicable
5. thereafter.

6. It is further requested that the Clerk of this Court deliver three certified copies of
7. this order to the United States Marshal forthwith.

8. DATED this 26th day of February, 2025.

10.
11. 
12. Tiffany M. Cartwright
United States District Judge